

BEFORE THE MINNESOTA

BOARD OF DENTISTRY

In the Matter of
John Muller, D.D.S.
License No. D7235

**ORDER FOR
UNCONDITIONAL LICENSE**

The Minnesota Board of Dentistry ("Board") met to review the petition of John Muller, D.D.S. ("Licensee") for reinstatement of an unconditional license to practice dentistry in Minnesota.

BACKGROUND

1. The Board licensed Licensee to practice dentistry in 1967. On June 30, 1989, the Board temporarily suspended Licensee's license. On September 26, 1989, pursuant to a Stipulation and Order ("1989 Stipulation and Order"), the Board reinstated Licensee's license and placed conditions on it for an indefinite time. Subsequently, the Board's Complaint Committee ("Committee") received information that Licensee violated the 1989 Stipulation and Order. Following a conference with Licensee, the Board adopted an Amended Stipulation and Order on September 24, 1993 ("1993 Amended Stipulation and Order"). Thereafter, the Committee received additional complaints against Licensee. Following an investigation and conference, Licensee and the Committee agreed to enter into a Second Amended Stipulation and Order which was adopted by the Board on September 29, 1997 ("1997 Second Amended Stipulation and Order"). The Committee received additional complaints against Licensee alleging that he had violated the 1997 Second Amended Stipulation and Order. After another investigation and conference, Licensee and the Committee entered into a Third Amended Stipulation and Order which was adopted by the

Board on September 21, 2001 ("2001 Third Amended Stipulation and Order"). The 2001 Third Amended Stipulation and Order along with other previous Orders were based on evidence that Licensee had a mental health/psychiatric impairment; allowed unregistered dental assistants to perform expanded functions; engaged in inadequate infection control; substandard periodontic and endodontic treatments; substandard oral surgery; administered excessive amounts of local anesthetic and nitrous oxide; inappropriate prescribing and/or overprescribing; substandard operative treatment; failure to obtain supervising dentist; failure to comply with previous orders; substandard recordkeeping; and concerns with care and recordkeeping as described in the supervising dentist reports.

2. Pursuant to paragraph D of the 2001 Third Amended Stipulation and Order, Licensee's license was placed in a conditional status.

FINDINGS OF FACT

The Board makes the following findings of fact:

3. Pursuant to paragraph D of the 2001 Third Amended Stipulation and Order, Licensee was required to do the following:

a. Paragraph D. required Licensee to continue to comply with the limitations and conditions listed in the 1997 Second Amended Stipulation and Order with two exceptions: Licensee's supervision by an independent dentist was rescinded effective February 15, 2001 and the oral surgery limitation was modified to state that "License shall extract only deciduous teeth where the tooth's root(s) is at least 60% resorbed and where the extraction is indicated to relieve a gum boil or abscess or to permit the normal eruption of the underlying permanent tooth." Licensee appropriately completed and/or complied with each limitation and condition listed in paragraphs IV.A through N in the 1997 Second Amended

Stipulation and Order. The Committee reviewed and accepted any required written reports submitted by Licensee.

b. Paragraph D.1.a. required Licensee to complete the ethics course taught at the University of Minnesota by Dr. Muriel Bebeau. Licensee completed the course in April 2003 and the Committee accepted the final report submitted by Dr. Muriel Bebeau on behalf of Licensee.

c. Paragraph D.1.b. required Licensee to complete a minimum of six hours of instruction in infection control procedures. Licensee completed a one-day infection control course in February 2002 which was pre-approved by the Committee.

d. Paragraph D.1.c. required Licensee to complete the two credit hour independent study course entitled, "An Introduction to the Problem-Oriented Dental Record" offered by the Continuing Dental Education Department at the University of Minnesota. Licensee completed this course March 15, 2003, and submitted a written report which was reviewed and accepted by the Committee.

e. Paragraph D.2. required Licensee to submit documentation of course completion, a copy of the course materials used, and a written report on what Licensee learned, and what changes he had made to his practice. Licensee submitted written reports in a timely fashion which were reviewed and accepted by the Committee.

f. Paragraph D.3. required Licensee to complete two courses on the administration of nitrous oxide sedation. Licensee completed an 8 hour nitrous oxide sedation course taught by James Swift, D.D.S. at the University of Minnesota and a 16 hour hands-on course taught at the University of Colorado School of Dentistry. Licensee submitted written reports which were reviewed and accepted by the Committee.

g. Paragraph D.4. required Licensee to submit to at least one unannounced inspection to be conducted by the Board's representative for the purpose of inspecting recordkeeping and infection control requirements. The Board's representative conducted an unannounced infection control and recordkeeping inspection on June 17, 2003. The Committee reviewed and accepted the results of the inspection.

h. Paragraph D.5. required Licensee to comply with all the laws and rules of the Board of Dentistry, cooperate with the Board's requests, and comply with the most current infection control requirements. The Committee has not received any indication that Licensee has violated this portion of the 2001 Third Amended Stipulation and Order.

ORDER

IT IS ORDERED that an UNCONDITIONAL LICENSE to practice dentistry in the State of Minnesota be conferred upon Licensee, such license to carry all duties, benefits, responsibilities, and privileges inherent therein through Minnesota statute and rule.

Dated: September 19, 2003

MINNESOTA BOARD
OF DENTISTRY

By:


FREEMAN ROSENBLUM, D.D.S.
President